

By Senator Paulus:

Petition numerously signed asking assistance in defeating House bill No. 150, which provides that insurance of guaranty corporations may be joined in a suit brought by an employe of labor damages on account of personal injuries.

By Senator McNealus:

Communication from J. E. Johnston, Secretary Retail Dealers' Hardware and Implement Association of Texas, protesting against the enactment of House bill No. 285, An Act to fix venue of suits and to provide in what courts suits may be brought.

By Senator McNealus:

Communication from J. R. Babcock, Secretary Dallas Chamber of Commerce advising that the latter organization had resolved to favor the German resolution in recompensation to employes and to oppose other measures involving this matter.

By Senator Townsend:

Petition numerously signed by citizens of his district asking that there be introduced and passed an Act Amending the State Fish and Game Law prohibiting the catching of fish from the streams and rivers bordering upon Angelina county.

By Senator Adams:

Petition numerously signed asking support of measures calculated to promote the welfare of the A. and M. College of Texas.

By Senator Hudspeth:

Petition numerously signed by citizens of El Paso county protesting against the creation of a new county from the eastern portion of El Paso county.

By Senator Johnson:

Petition numerously signed by qualified voters and women at Wellington, Texas, asking support of legislation insuring the right of the people of each community to decide if pool halls shall be conducted therein.

By Senators Johnson, McNealus, Ratliff, Warren, Cofer, Lattimore, Perkins and Peeler:

Petitions numerously signed by citizens of their respective districts asking the Legislature to repeal the law

requiring the itinerant vendors of medicines to pay the large license.

By Senators Johnson and Adams.

Petition numerously signed by citizens of their respective districts requesting support of legislation in behalf of public health and regulating the practice of itinerant vending of medicine.

## TWENTY-SECOND DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Feb. 14, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler the same was dispensed with.

## REGULAR ORDER.

The regular order of business was called (see Appendix for "Committee Reports" and "Petitions and Memorials.")

## RESIGNATION OF COMMITTEEMAN.

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, Lieutenant Governor.

My dear sir: I herewith tender you my resignation as a member of the Congressional re-Districting Committee of the Senate.

Thanking you for your favorable consideration of me in the appointment, I am,

Very truly yours,  
J. C. McNEALUS.

#### BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 239, A bill to be entitled "An Act to amend Chapter 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature being 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the prison commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing his duties; prescribing penalties for the violation of this Act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this Act, by adding thereto Sections numbered 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, and by amending Sections numbered 1, 8, 12, 13, 14, 15, 16, 22, 23, 33, 38, 40, 42, 45, 60, 62 and 63; declaring the wealth earned by the Prison System, over and above the cost of operation and maintenance, to be the rightful property of the wives and children of said prisoners, if there be such wives and children, with certain exceptions, or under certain circumstances of the prisoners themselves; providing for the classification of all prisoners in units of labor value; defining the word 'children' for the purposes of this Act; providing for the appointment of guardians for the children of such prisoners where no guardian has been appointed; declaring that State prisoners are wealth earning units held in trust by the State for the bene-

fit of himself, or herself, as the case may be, or of his or her dependents; providing for the apportionment of the net proceeds of the Prison System among the prisoners according to the value of the service performed and for the disposition of said apportionments; providing for a Prisoner's Labor Fund and for the disposition of said fund; providing for a Good Conduct Fund to be appropriated out of the General Revenue of the State and for the disposition of said fund and making an appropriation therefor; so that Chapter 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature shall hereafter read as follows, and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

By Senator Willacy:

Senate bill No. 240, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of court therein, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Bryan:

Senate bill No. 241, A bill to be entitled "An Act to empower the commissioners court of Fisher county to adopt a system for roads; and providing that the members of the commissioners court of Fisher county shall be ex official road superintendents of their respective districts, and providing for bonds for said ex officio road superintendent; and providing for the appointment of deputy road superintendents, and fixing bonds for said deputy road superintendents; and providing that the county treasurer shall keep separate account of funds created under this Act; and providing for employment of convicts on public roads, and regulating officers and witness cost of such cases when fines may be worked out on the public roads; and providing for hands to be worked upon the roads; and providing for a method of accounting for road superintendents; and providing for a compensation for road superintendents and deputy road superintendents; and providing for payment of labor on roads; and also providing for the levy of a special road tax under Article 4786 of the

Revised Statutes by a majority vote, and providing for the expenditure of special road tax; and providing for the collector of insolvent poll taxes by requiring work on the roads; and providing that this Act shall be cumulative of the General Laws; and providing for an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Collins:

Senate bill No. 242, A bill to be entitled "An Act to render more efficient the present road law of the State of Texas, in its application and operation in the county of Jefferson; and to authorize and empower the commissioners court of said county to issue bonds for the construction or purchase of bridges, and the construction and maintainance of public roads and highways within said county, and to provide the manner and mode of working the county convicts of said county upon its public roads and highways, and fixing and regulating the compensation of certain of its officers."

Read first time and referred to Committee on Judicial Districts.

By Senator Collins:

Senate bill No. 243, A bill to be entitled "An Act to create the 'County Court of Jefferson at Law,' for the county of Jefferson; to define the jurisdiction thereof; to fix a time for the holding of the terms thereof; to provide for the appointment, election, qualification and compensation of the judges thereof; and to conform to such change the jurisdiction of the county court of Jefferson county; defining certain duties of the judge of the county court of Jefferson county; and providing certain additional compensation for the county judge of Jefferson county; repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Collins:

Senate bill No. 244, A bill to be entitled "An Act to amend Article 911 of the Penal Code so as to make the possession and offer for sale of any hide of any cattle with the brand cut out or so disfigured that the brand cannot be distinguished a felony and

to provide the penalty thereof; and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Lattimore:

Senate bill No. 245, A bill to be entitled "An Act to more clearly define who are Confederate soldiers under the pension laws of this State, and declaring what persons shall be included in the term 'Confederate soldiers,' as used in Chapter 118 of the General Laws of the Regular Session of the Thirty-first Legislature, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Kauffman (by request):

Senate bill No. 246, A bill to be entitled "An Act to create and establish the county of Culberson, prescribing its area and boundaries, appointing commissioners to organize said county, and prescribing their duties; providing for a division of said county into commissioners and justices precincts; providing for holding county and precinct elections for the election of county and precinct officers; and the location of the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial and congressional districts; providing for the assessment and collection of taxes; and for the defraying the expenses of organizing said county; and for the new county to pay its pro rata share of the debt of the counties from which it is taken; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Hudspeth:

Senate bill No. 247, A bill to be entitled "An Act to validate the sale of the public free school and asylum lands made by the Commissioner of the General Land Office, where such sales may be defective from any cause, and to quiet the titles thereto, and provide for the issuance of patents thereto."

Read first time and referred to Committee on Public Lands and Land Offices.

Morning call concluded.

By unanimous consent after the morning call was concluded, and referred by President Pro. Tem. Hudspeth:

By Senator Willacy:

Senate bill No. 248, A bill to be entitled "An Act to authorize the incorporation of Casualty Insurance companies and other kinds of insurance companies except life, fire, and marine insurance companies, and to regulate their organization and their method of doing business in this State, prescribing the powers and duties of the Commissioner of Insurance and Banking with reference to such companies; providing penalties for the violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Weinert:

Senate bill No. 249, A bill to be entitled "An Act conferring upon the Board of Prison Commissioners authority to issue paroles to meritorious convicts and to make and establish rules and regulations to carry the same into effect, and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

By Senator Vaughan:

Senate bill No. 250, A bill to be entitled "An Act declaring that in cases, both civil and criminal, in the district and county courts, in which the judge may be biased or prejudiced, or related to either party, or interested, or has been of counsel, or is not disposed to accord to the accused or the some party to the suit a fair and impartial trial, such judge shall be disqualified and describing how such disqualification may be presented to the court, and providing for selecting another judge to try such cause in such cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Ward:

Senate bill No. 251, A bill to be entitled "An Act to amend Article 642, Title 21, Chapter 2, of the Revised Statutes of the State of Texas, relating to the purposes for which private corporations may be formed, and to add thereto Sub-division 17a, authorizing the organization of corporations for the purpose of contracting for and

erecting and repairing houses, bridges and other structures."

Read first time and referred to Judiciary Committee No. 1.

By Senator Vaughan:

Senate bill No. 252, A bill to be entitled "An Act declaring persons, corporations and receivers operating dangerous machinery, or any telephone or telegraph system, or any other property by means of electricity, to be liable to employees for injuries received through the negligence of such employer, or of any officer, agent or servant of said employer, or in case of death from such injuries, to be liable to the surviving widow and children, or husband and children, and mother and father of the deceased; if any, and if none, then to the next of kin dependent upon such employees; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that the employer shall be entitled to a set off against any claim of any sum contributed by said employer to a fund provided for such cases and which was actually paid to the injured party, and exempting such recovery from the debts of the deceased and providing that the recovery shall be apportioned by the jury, or court trying the case without a jury, among those entitled to recover; providing how and by whom suit may be brought, also that nothing in this Act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court"

Read first time and referred to Committee on Internal Improvements.

#### SENATE BILL NO. 89.

The Chair laid before the Senate the special order, Senate bill No. 23, but the author yielded to Senator Perkins, who called up Senate bill No. 89.

The Chair laid before the Senate on third reading,

Senate bill No. 89, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued, and railroad, inter-

urban, and other transportation companies."

The bill was read third time and passed by the following vote:

Yeas—14.

Adams.	Peeler.
Astin.	Perkins.
Hudspeth.	Real.
Hume.	Ward.
Johnson.	Watson.
Kauffman.	Weinert.
Paulus.	Willacy.

Nays—14.

Carter.	Murray.
Cofer.	Ratliff.
Collins.	Terrell, McLennan
Greer.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Warren.

Absent.

Bryan.	Sturgeon.
Meachum.	

The roll was called and Senator Hudspeth called for a verification of the vote, and pending the verification, Senators Meachum and Bryan entered the Senate Chamber and asked to vote.

Senator Vaughan made the point of order that the Senators were not in the chamber at the time the question was put. The result of the vote had not been announced.

Pending discussion on the point of order, Senator Murray asked to change his vote, but there was objection which was sustained.

The Chair, Lieutenant Governor Davidson, pending further discussion, sustained the point of order.

The vote was announced, and being a tie vote, Lieutenant Governor Davidson, who was presiding, voted "yea," and declared the bill finally passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

Senate bill No. 89, on its final passage, I vote "nay" because if the free pass is an evil at all the so-

called "Right of Contract" opens up the greatest evil attending the free pass giving.

It is a rank discrimination in favor of the moulders of public sentiment, and, in as much as I feel that railroads get no value from the so-called advertising, I hold that in effect, it is the granting of free passes to newspapers.

I vote "nay."

COLLINS.

SENATE BILL NO. 132—MADE SPECIAL ORDER.

(By Unanimous Consent.)

Senator Watson called up

Senate bill No. 132, A bill to be entitled "An Act providing for the appointment of official stenographers for district and county courts by the judges thereof, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of making up and filing statements of facts and bills of exception in cases tried in such courts, and repealing Chapter 39 of the First Called Session of the Thirty-first Legislature of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Watson moved that the bill be made a special order for next Friday morning, after the morning call, which motion was adopted by the following vote:

Yeas—27.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, McLennan
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Murray.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Perkins.  
Sturgeon.

Ward.

# SENATE BILL NO. 165—MADE SPECIAL ORDER.

(By Unanimous Consent.)

Senator Warren, by unanimous consent called up

Senate bill No. 165, A bill to be entitled "An Act to create and establish a commission for revising, systematizing and reforming the laws of the State of Texas, and for the appointment of the members of said commission to be known as "The Commissioners for the Revision and Reform of the Laws of Texas," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, to appropriate money therefor, and declaring an emergency."

Senator Warren moved that the bill be made a special order for Friday morning after the morning call, which motion was adopted by the following vote:

Yeas—30.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon.

# SENATE BILL NO. 23.

The Chair laid before the Senate on its second reading and special order,

Senate bill No. 23, A bill to be entitled "An Act for the location and establishment at the East Texas Penitentiary at Rusk, Cherokee county, Texas, by the Board of Prison Commissioners of the State Penitentiary, of a factory for the manufacture of cotton bagging, cotton

sacks, cotton duck, cotton rope, cotton twine, and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with this Act, and declaring an emergency."

(Senator Astin in the chair.)

The bill having been read, Senator Townsend offered the following amendment:

Amend the bill, Section 4, page 2, line 6, by adding after the word "sold" the following:

"Provided, that all eleemosynary and all other institutions owned by the State are granted the right to purchase the products of said factory for the use of said institutions at actual cost of production."

RECESS.

On motion of Senator Ratliff, the Senate, at 12:30 o'clock p. m., recessed until 2:30 o'clock p. m.

# AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

# SIMPLE RESOLUTION.

(By Senator Cofer, by unanimous consent.)

Whereas, On Saturday the 11th day of February, 1911, it was the pleasure of the members of the Senate and their families to be the visitors of the president, faculty and students of the Agricultural and Mechanical College at Bryan, Texas; and

Whereas, It was an inspiration to every member of the Senate attending to see the great educational work that is being done in this great institution by President Milner and his efficient corps of teachers and instructors, and great good will come to our State from such labors; and

Whereas, That more than one thousand young men, who are now being educated there, are representative of the flower of the youth of Texas, and all that is being done for them there commends itself to all Texans;

Therefore, Be it resolved by the

Senate that the thanks of this body be and are extended to President R. T. Milner and his faculty, and Senator Astin and the citizens of Bryan and of the community for the many kindnesses shown the members of the Senate in showing them through the premises and buildings of the college, and to his worthy chef for two splendid meals served in the Mess Hall, and especially to the Commandant Moses for the dress parade drill which passed under the review of the members of the Senate. It was a day of pleasure and of profit to the Senators who availed themselves of the hospitable invitation. The soldier boys appeared to the best advantage and captured the hearts of the young ladies of the Senatorial party;

Resolved, Further, that a copy of this resolution be sent to President R. T. Milner, and that this resolution be given to the press.

Cofer, Greer, Hume, Real, Johnson, Collins, Murray, Lattimore, Adams, Meachum.

The resolution was read and adopted.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

(See House Message in yesterday's Journal for caption.)

House bill No. 326, referred to Committee on Towns and City Corporations.

House Concurrent Resolution No. 17, referred to Committee on Federal Relations.

House bill No. 216, referred to Committee on Mining and Irrigation.

#### SENATE BILL NO. 23.

Action here recurred on Senate bill No. 23, the question being on the amendment by Senator Townsend.

The amendment was adopted.

Senator Weinert offered the following amendment:

Amend by striking out Section 2 of the bill and inserting in lieu thereof the following:

"Section 2. That the said factory shall be located by the Prison Commissioners of the State Penitentiaries

at some suitable point, taking into consideration the question of transportation, fuel and power and said Prison Commissioners of the State Penitentiaries are hereby authorized empowered and directed to enter into and execute any and all contracts necessary for the construction, equipment and operation of such factory."

WEINERT,  
PAULUS,  
HUME.

Senator Townsend offered a substitute for the amendment but later withdrew same, by unanimous consent.

(Senator Watson in the chair.)

Pending discussion the previous question was moved on the amendment and the engrossment of the bill, the motion being duly seconded, was so ordered by the following vote:

#### Yeas—15.

Bryan.	McNealus.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	

#### Nays—14.

Adams.	Peeler.
Astin.	Perkins.
Hudspeth.	Terrell, McLennan.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

#### Absent.

Kauffman.	Sturgeon.
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Action recurred on the amendment by Senator Weinert, which was lost by the following vote:

#### Yeas—13.

Adams.	Peeler.
Astin.	Perkins.
Hudspeth.	Real.
Hume.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

#### Nays—16.

Bryan.	Carter.
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Cofer.	Ratliff.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Absent.

Kauffman. Sturgeon.

The bill was read second time and ordered engrossed by the following vote:

Yeas—23.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Real.
Carter.	Terrell, McLennan.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	Willacy.
Paulus.	

Nays—6.

Hudspeth.	Murray.
Hume.	Peeler.
Meachum.	Watson.

Absent.

Kauffman. Sturgeon.

On motion of Senator Townsend the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman. Sturgeon.

The bill was read third time and,

# HOUSE BILL NO. 16—FREE CONFERENCE COMMITTEE REPORT ON

Senator Cofer offered the following Free Conference Committee report on House bill No. 16:

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate, and Hon. Sam Rayburn, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed on the part of the House and Senate to adjust the differences between the two houses on House bill No. 16, have had the same under consideration, and we recommend:

First. That the Senate and House do not accept the amendments made to said bill by the Senate. Second, That the said bill be amended as follows, to wit:

1. Amend the bill by striking out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. That Section 9 and Section 9g and Section 9 j and Section 14 and Section 15, of Chapter 17, of the Acts of the Thirty-first Legislature of the State of Texas of the First Called Session, approved April 17, 1909, entitled 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring liquor dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining re-



tail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing the same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any licenses; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this Act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor license may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws and parts of laws in conflict herewith, requiring licenses to be issued under this Act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act, and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," be amended so as to hereafter read as follows:

Section 9. That any person or persons desiring to obtain a retail liquor dealers' license in this State, or a retail malt dealer's license, shall before filing his or their petition for such license with the county judge as now provided by this Act, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business. which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we,.....and....., of the county of .....State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No.....street, in....., in the county of.....State of Texas; that there is now no statute or ordinance of said city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in .....county, State of Texas, and during said time have been engaged in the business of.....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not since the taking effect of this Act, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquors after 7 o'clock p. m. of each week day and between that hour and 6 o'clock a. m. of the next succeeding week day, or 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. of the following Monday every week; or since either of said dates, either in person or by agent, or employe, knowingly sold or permitted to be sold, or given away, in or near any such place of business, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff or other peace officer, by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of twenty-one years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played,

dealt or exhibited in or about such house or place of business or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given any adulterated or impure liquors of any kind or sold or permitted, aided or advised in selling under a retail malt dealer's license, any other liquors than those defined by the laws as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where such liquor shall be sold under such license for the sale thereof, or transact such business in such house or place of business after 7 o'clock p. m. on Saturday of each week, and between that hour and 6 o'clock a. m. on the following Monday of any week, and after 7 o'clock p. m. on each week day, and between that hour and 6 o'clock a. m. of each succeeding week day; or knowingly sell in or near any such place of business or give away or permit to be given away any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after being notified in writing through the sheriff or other peace officer by the wife, mother, father, daughter, sister, son or brother of such habitual drunkard not to sell to such habitual drunkard; or to permit any person not over the age of twenty-one years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and that he, or they will not while engaged in such business contribute any money or other thing

of value directly or indirectly to any campaign fund to assist in the election or defeat of any candidate or nominee or to carry or defeat any measure voted upon in any primary, city, county, State, general or local election; and if the application for a "retail malt dealer's" license, it shall further state that he or they under said license will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event that I, or we, violate any of the promises to do or perform any one or more of the acts which it is herein declared shall not be done or performed, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this Act, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been canceled by the Comptroller.

.....  
 Sworn to and subscribed before me, a.....within and for the county of....., State of Texas, by.....on this, the .....day of....., 19..

(L. S.) Signature of Officer.

That upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same, and if he is satisfied that such applicant has not violated any of the provisions or conditions contained in his application for a permit, and that

the city, town or justice precinct in which the applicant lives is entitled under the provisions of the law to another permit, he shall, upon the payment to him by the applicant of the sum of two dollars, issue him such permit under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant, and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge, and no petition for license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Section 9g. That upon the receipt of the said deposition the Comptroller shall open and proceed to consider the same, and if he shall determine from the preponderance of the creditable evidence therein contained that, at any time after the issuance the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 7 o'clock p. m. on Saturday of each week and from and between that hour and 6 o'clock a. m. of Monday of the next succeeding week, or after 7 o'clock p. m. of any week day and between that hour and 6 o'clock a. m. of the next succeeding week day; or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold, or given by the holder or holders of such license to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff or other peace officer, by the wife, mother, father, daughter or sister or son or brother of such habitual drunkard not to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by the laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of

business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling under a retail malt dealer's license any liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore to be issued, to such person or persons, one copy of which certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn or rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Section 9j. The Comptroller of Public Accounts of the State of Texas shall not issue any permits to any person or firm for any city or town or justice precinct of any county in excess of one for each 500 inhabitants of such city or town or justice precinct according to the last preceding United States census, but the provisions of this section shall not apply to hotels now in existence or which may hereafter be opened, when located in the business section of a city or town having a population of over 20,000, and provided that in granting permits for licenses as a retail liquor dealer or a retail malt dealer the Comptroller of Public Accounts shall give preference of those applicants who apply for a permit to do business at the places and locations in said city or town or

justice precinct where permits had heretofore been issued and granted; provided further, that at least one permit may be issued in any city, town or justice precinct where local option is not in force. Provided, any city, town or justice precinct shall be entitled to have as many permits issued for such city, town or justice precinct, respectively, as existed on the first day of February, A. D. 1911, so long as the persons holding same on said date shall continue in business.

Sec. 14. That every person or firm having a license under the provisions of this Act, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises (in any locality in this State, other than where local option is in force), shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. of each week day of each week until 6 o'clock a. m. of the next succeeding week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. Saturday of each week until 6 a. m. of the following Monday of each succeeding week, and any such person or firm or his or their agent or employe, who shall open or keep open, or permit to be opened or kept open, any such house or place of business for the purpose of such traffic, or who shall sell or barter any intoxicating liquor of any kind, or who shall transact or permit to be transacted therein or therefrom any such business between the hours aforesaid, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, and by imprisonment in the county jail for not less than twenty days and not more than ninety days; and it is further provided that each night said house or place of business above referred to is kept open in violation of this Act shall constitute a separate offense.

Sec. 15. That every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand

dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall each make affidavit before some officer authorized to administer oaths that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties, and no county judge shall approve any such bond unless the affidavit as provided for in this section shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond, and any person who shall make any false affidavit as required by this Act shall be punished as provided for in the Penal Code of this State. Provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge. Each bond herein provided for shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person, or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof or transact such business in such house or place of business after and from 7 o'clock p. m. of each week day until 6 o'clock a. m. of the next succeeding week day, and from and after 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. on the following Monday of each succeeding week; and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and that such person or firm, or association or corporation, or his or their agent or employes, will not sell or permit to be sold, in his or their house or place of business, nor give, nor permit to be given, any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to

any person under the age of twenty-one years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing through the sheriff or other peace officer by the wife, father, mother, daughter, son, brother or sister of such habitual drunkard; said notice shall be in force and effect for a period of two years, not to sell to any such person, and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they sell or have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; and that he or they will not while engaged in such business contribute any money or other thing of value directly or indirectly to any campaign fund to assist in the election or defeat of any candidate or nominee or to carry or defeat any measure voted upon in any primary, city, county, State, general, special or local election, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service said clerk shall be entitled to a fee of seventy-five cents, which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of any of the conditions of such bond, and the said bond shall not be void on its first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil pro-

ceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon, or any person owning real property in the county may institute suit thereupon, in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond upon the breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county in any action in any court of competent jurisdiction upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof for such purpose or purposes, the license of such person or firm shall by reason of such recovery be forfeited, revoked and canceled, and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the

premises, without first giving bond as required by this Act, or who shall sell the same after said license shall have been forfeited, revoked or canceled, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view from the street or alley through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing the streets or public highways.

By an orderly house is meant one in which no prostitutes or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon; and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed shall be deemed guilty of a misdemeanor, and shall be punished as provided in cases where no license has been procured.

Provided, the provisions of this Act shall apply to suits by the State or of any individual; provided, that no license shall be issued under this Act to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. As soon as this Act goes into effect, all licenses heretofore issued shall immediately cease and

determine, but the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance with the provisions of this Act, said licenses to be dated as of the date this Act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such canceled license, as of date this Act takes effect; provided, that during said thirty days, said licensee shall have the right to pursue his business under and in accordance with the canceled license, and the law applicable to the same.

Sec. 3. The fact that the present law is defective and does not properly restrict and regulate the sale of intoxicating liquors, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act shall be in force from and after its passage.

(2). Further amend the bill by striking out all before the enacting clause, and insert in lieu thereof, the following:

A bill to be entitled "An Act to amend Section 9 and Section 9g, Section 9j and Section 14 and Section 15 of Chapter 17 of the Acts of the Thirty-first Legislature, of the First Called Session, approved April 17, 1909, being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquors dealers and other persons to secure licenses to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine grow-

ers; regulating the transfer of licenses of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method of procedure by which liquor licenses may be obtained and transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act, and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' so as to provide that every person or firm making an application for a permit to apply for a license as provided for in Section 9 of said Act, shall state in said application that he has not opened or kept open in person or by agent a house or place of business where intoxicating liquors have been or are to be sold, and that he has not in person or by agent sold any intoxicating liquors therein after the hour of 7 o'clock p. m. on each week day and between that hour and 6 o'clock a. m. on the next succeeding week day, and after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. on Monday of the next succeeding week; and that he or they will not contribute any money or thing of value to any campaign fund; and that the Comptroller shall issue the applicant a permit to apply for a retail liquor dealer's or retail malt dealer's license if he is satisfied that such applicant has not violated any of the provisions or

conditions contained in this application, and that the city, town or justice precinct in which the applicant lives is entitled to another such permit; providing that the Comptroller shall rescind, vacate and withdraw retail liquor dealer's or retail malt dealer's license when it shall appear under the provisions of Section 9g that at any time after the issuance of said license the house or place where the business of selling of liquors under said license was conducted was kept open or business conducted therein after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. of the following Monday of any week, and after 7 o'clock p. m. of each week day and from and between that hour and 6 o'clock a. m. of the next succeeding week day; provided that the Comptroller shall not issue more permits to apply for retail liquor dealer's licenses or retail malt dealer's licenses for any city, town or justice precinct, than one such permit for each five hundred inhabitants thereof, and providing that every person or firm having a license under the provisions of said Act who may engage in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises, in any locality in this State other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. of each week day until 6 o'clock a. m. of the next week day, and from and after 7 o'clock p. m. on Saturday of each week day until 6 o'clock a. m. of the following Monday, and so as to provide for the conditioning of the bond as provided for in Section 15 of said Act, so as to provide as a condition of said bond that every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall not, either in person or knowingly by agent, employe or representative, during the year for which his or their license shall run, keep open the house or place where such liquors shall be sold under such license for the sale thereof or transact any such business therein after and from 7 o'clock p. m. on each week day until 6 o'clock a. m. of the next succeeding week day, and after and from 7 o'clock p. m. on Saturday of each week until 6 o'clock

a. m. on Monday of the next succeeding week; and that he or they will not contribute any money or thing of value to any campaign fund; and that the Comptroller shall issue the applicant a permit to apply for a retail liquor dealer's or retail malt dealer's license if he is satisfied that such applicant has not violated any of the provisions or conditions contained in the application and that the city, town or justice precinct in which the applicant lives is entitled to another such permit; and so as to eliminate from Section 15 of said Act, the following words, to wit: Provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond by reason of a breach of such condition; provided, further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is an habitual drunkard, and there are good grounds for such belief that shall be a valid defense to any recovery on such bond by reason of a breach of such condition;" and providing that as soon as this Act goes into effect, all retail liquor dealers' and retail malt dealers' licenses heretofore issued shall immediately cease and determine, and that the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance herewith, said licenses to be dated as of the date this Act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such canceled license, as of the date this Act takes effect; and providing that during said thirty days said licensee shall have the right to pursue his business under and in accordance with the canceled license and the laws applicable to the same, which, for that purpose, are hereby kept in force for said thirty days, and declaring an emergency.

COFER,  
VAUGHAN,  
LATTIMORE,

On the part of the Senate.

(Being a majority of the Committee.)

NICKELS of Hill,  
KENNEDY,  
NICHOLS of Hunt,  
YARBROUGH,  
ROWELL,

On the part of the House.

Pending the reading of the above report, on motion of Senator Collins the same was dispensed with.

The report was then adopted by the following vote:

Yeas—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—13.

Adams.	Peeler.
Astin.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Watson.
Meachum.	Weniert.
Murray.	Willacy.
Paulus.	

Absent.

Kauffman. Sturgeon.

#### SENATE BILL NO. 23.

Action then recurred on Senate bill No. 23, the bill having already been read.

Senator Terrell of McLennan offered the following amendment:

Strike out Section 1 and insert the following:

"Section 1. That the Board of Prison Commissioners of the State Penitentiary of Texas are authorized and empowered to establish and main a factory for the manufacture of cotton sacks and cotton twine, and cotton bagging if practicable, and any and all other classes of cotton goods, as the members of said Board of Prison Commissioners may deem expedient."

TERRELL of McLennan,  
HUME.

The amendment was read, and lost by the following vote:

Yeas—13.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Perkins.
Meachum.	Terrell, McLennan



Watson.  
Weinert.

Willacy.

Nays—16.

Bryan.	McNealus.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Absent.

Kauffman. Sturgeon.

Senator Willacy offered the following amendment:

Amend by striking out all after the word "appropriated" in line 8, page 2, of the printed bill, down to and inclusive of the figures \$150,000.00 (in parenthesis) in line 9, page 2, and insert in lieu thereof the following: "The sum of one hundred thousand dollars."

Senator Townsend moved the previous question on the amendment and the bill, the same being duly seconded, was so ordered.

Action recurred on the amendment and the same was lost by the following vote:

Yeas—10.

Cofer.	Real.
Mayfield.	Terrell, Wise.
Meachum.	Watson.
Peeler.	Weinert.
Ratliff.	Willacy.

Nays—19.

Adams.	Lattimore.
Astin.	McNealus.
Bryan.	Murray.
Carter.	Perkins.
Collins.	Terrell, McLennan
Greer.	Townsend.
Hudspeth.	Vaughan.
Hume.	Ward.
Johnson.	Warren.
Kauffman.	

Absent.

Paulus. Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Real.
Carter.	Terrell, McLennan
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	

Nays—8.

Hudspeth.	Murray.
Hume.	Peeler.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Paulus. Sturgeon.

Senator Townsend moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(President Pro Tem. Hudspeth in the chair.)

#### TO MAKE PICTURE.

Austin, Texas, Jan. 21, 1911

Mr. President and Members of the Senate, Thirty-second Legislature.

We respectfully submit to you the following proposition:

To make for each member and employe of the Senate individual photographs to be grouped together in a large block picture like those we have made for you since 1903, same to have glass and frame; without cost to State or individual. For 18x22 copies of said block picture we make a charge of \$4.00 each.

Very respectfully submitted,  
MRS. MARTYN ELLIOTT,  
MR. MARTYN ELLIOTT.

On motion of Senator Meachum, the communication was referred to Committee on Contingent Expenses.

#### BILL SIGNED.

The Chair, President Pro Tem. Hudspeth, gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 77, "An Act granting the city of New Braunfels, in addition to the powers now conferred by the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system, and any other public utilities, together with the necessary plant or plants, and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power privilege and authority to dispose of or sell within its city limits and one mile beyond said city limits water, electricity and power for any and all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in at, on, over or across the Guadalupe river at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river, between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the City of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries between the points above mentioned and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned, and to back the water in said Guadalupe river and its tributaries between the points above mentioned to any height, but not in the Comal river, above a line drawn across said Comal river, one hundred and eighty-five feet below the south line of San Antonio street; granting to and conferring upon the City of New Braunfels, in addition to

the powers of condemnation and of eminent domain conferred by or existing under the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, water, springs, rivers, riparian rights, water rights, pumps, water wheels, rams and dams which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating, constructing, maintaining and operating light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants, and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; and prescribing the limitations under which such powers shall be exercised; providing that the laws which are now in force or may hereafter be enacted, prescribing the procedure by railroad corporations and companies in condemning and acquiring real estate, property and material and making compensation therefor, shall apply to and govern the City of New Braunfels in condemnation proceedings in acquiring lands, waters, springs, rivers, riparian rights, water rights, pumps, pumps, water wheels, rams and dams, and making compensation therefor under the powers herein granted said city, and declaring an emergency"

#### ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Mayfield moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first and the motion to adjourn until 10 o'clock tomorrow was adopted by the following vote:

#### Yeas—14.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Hudspeth.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

#### Nays—13.

Carter.	Cofer.
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Collins.  
Johnson.  
Lattimore.  
Mayfield.  
McNealus.  
Real.

Terrell, Wise.  
Townsend.  
Vaughan.  
Ward.  
Warren.

Absent.

Greer.  
Hume.

Paulus.  
Sturgeon.

#### APPENDIX A.

##### ADDRESS BY SENATOR WARD.

Following is the address by Senator Ward during the consideration of Senate bill No. 94, and is printed here by order of the Senate:

Mr. President and Gentlemen of the Senate: Possibly it can not be out of place for me to explain to this Senate why I am one of the proponents of this measure, asking for an appropriation of \$2000 for the erection of a suitable monument to the memory of Mrs. Elizabeth Crockett, the wife of Col. David Crockett, one of the heroes who sacrificed his life at the Alamo. I will say that I was a student of Texas history when a school boy. I remember well when I entered Granbury College in the fall of 1880, and it was there I learned that one of Granbury's citizens, Robert Patton Crockett, was the son of David Crockett. Naturally I felt like making his acquaintance and I found him residing near the banks of the Brazos River, manager and keeper of the toll bridge that spans the river, and I would often visit him, seeing that he was ready, and that it was a great pleasure for him to entertain college boys and he would relate many incidents of his father's career as he learned it when a boy, and naturally it was interesting to any one. From what I could gather from him and scraps of history that I could gather here and there, it might not be out of place for me to speak of part of the early career of Col. David Crockett, when he was leading a rugged political life with General Jackson and others in the wilds of Tennessee. His political career in those days was wonderful. He with Jackson and others helped shape the destiny of Tennessee, but for some reason, possibly providential reasons, Col.

David Crockett's career in Tennessee was brought to a sudden close. He himself asserted that his political career was at an end in his native land.

The political career of Col. David Crockett was ended.

He had rushed to a sudden and unique glory, and, while the central figure of an admiring country, he was suddenly snuffed out, so to speak. Where a brief time before he was a shining luminous light, there was nothing for him but blank darkness.

The unexpected repulse soured for the time the sunny nature of Crockett. He was beaten unfairly, for money was used lavishly to defeat him and every trick known to politics was employed to encompass his overthrow.

It mattered not that he was treading in the footsteps of hundreds who had gone before, and who must continue going, so long as our Republic shall last. He only knew that he had been defeated in obtaining the dearest wish of his life; that he had put forth his most earnest efforts, and had been ignominiously cast down and trampled upon; that he had been taken by the neck and heels, as may be said, and thrown outside of the stockade of politics—thrown so far that he could never climb over again into the enclosure and mingle in the fray.

And all this, as he believed, was simply because he had chosen to be conscientious while in Congress. He had followed no man's bidding, but had been governed by what he conceived to be right in casting his vote and in uttering his voice in favor of or against any measure.

It was a bitter reflection, and there were many hours when chagrin, anger and resentment gnawed at the heart of Colonel Crockett.

What added to his indignation was his unshakable belief that he had been deliberately defrauded out of his election by means put in operation by his enemies. Probably a majority of the defeated candidates throughout the country are equally strong in their belief that an untrammelled ballot would have secured their triumph, but in Crockett's case it can scarcely be doubted that a fair test would have returned him to Congress.

But all these reflections only increased the bitterness of the back-

woodsman's resentment without bringing any consolation. The days passed, and the dagger thrust still rankled in his wounds. There is something touching in the following homely words which he wrote in his lonely cabin in Tennessee:

"As my country no longer requires my services, I have made up my mind to go to Texas. My life has been one of danger, toll and privation; but these difficulties I had to encounter at a time when I considered them nothing. But now I start anew upon my own hook, and God only grant that I may be strong enough to support the weight that may be hung upon it. I have a new row to hoe, a long and rough one, but come what will, I'll go ahead.

"When I returned home from making a sort of farewell speech to my friends, I felt cast down at the change that had taken place in my fortunes, and sorrow, it is said, will make even an oyster feel poetical. I never tried my hand at that sort of writing, but on this particular occasion such was my state of feeling that I began to fancy myself inspired, so I took pen in hand and, as usual, I went ahead. When I had got fairly through, my poetry looked as zigzag as a worm fence; the lines wouldn't tally; so I showed them to a friend who had a reputation for that kind of writing, having some years ago made a carrier's address for the Nashville Banner. He lopped off some lines and stretched out others, but when he was through I think the words were worse than when I placed them in his hands. It being my first and, no doubt, my last piece of poetry, I give it here:

"Farewell to the mountains, whose  
mazes to me  
Were more beautiful by far than  
Eden could be:  
No fruit was forbidden, but Nature  
had spread  
Her bountiful board, and her chil-  
dren were fed.  
The hills were our garners—our  
herds wildly grew,  
And nature was shepherd and hus-  
bandman too.  
I felt like a monarch, yet thought  
like a man,  
And I thanked the Great Giver and  
worshiped his plan.

"The home I forsake where my off-  
spring arose;

The graves I forsake where my chil-  
dren repose.

The home I redeemed from the sav-  
age and wild;

The home I have loved as father and  
child;

The corn that I planted, the fields  
that I cleared,

The flock that I raised, and the cabin  
I reared;

The wife of my bosom—farewell to  
ye all!

In the land of the stranger I rise or  
I fall.

"Farewell to my country! I fought  
for thee well,

When the savage rushed forth like  
the demons from hell.

In peace or in war I have stood by  
thy side—

My country, for thee I have lived—  
would have died!

But I am cast off—my career is now  
run,

And I wander abroad like the prodig-  
al son—

Where the wild savage roves, and  
broad prairies spread,

The fallen—despised—will again go  
ahead!"

It was a severe trial for Crockett to bid his wife and children good bye for at that day Texas was a far-away land, and the enterprise in which he and a few hardy spirits had determined to engage was a desperate one. The vast territory was claimed as a Mexican province, and Santa Anna, its dictator, was a merciless tyrant, who would use every means to crush the rebellion which a handful of invaders, as he viewed them, were seeking to set on foot.

But the hour for parting came. It was characteristic of Crockett, as we have shown, that, when he had made up his mind to follow a certain course of action, he allowed nothing to swerve him from it.

No doubt he shared with others in the dream of the coming empire, with which he wished and believed it possible to identify himself. It required no wonderful prescience to forecast the grand future of that country when it should secure its independence from Mexican dominion and become one of the States of the Union.

Crockett was not yet fifty years old—an age which, in his case, was his prime, and he may have believed that his talents would secure speedy

recognition in a new country of that character.

At any rate, whatever may have been his controlling motive, his mind was unalterably set on casting his fortunes with those of the hardy adventurers who had fixed their hopes upon Texas.

So he bade the wife goodbye, he kissed her and the children again and again, he pressed them to his heart, he cheered them with the hope of a speedy return, and while the tears trickled down his bronzed cheeks, he hurriedly walked away.

Dressed in his homespun suit, and with the beautiful rifle presented him by his admirers in Philadelphia, he strode off toward Mill's Point, where he was to take the steamboat down the Mississippi.

Wife and children stood in the door of the humble cabin, waving him goodbye, while he turned back and answered the signals affectionately, for he was always tenderly attached to his family, until at last the form of the hardy hunter disappeared from sight.

He was gone, never to return!

He who went away with such high hopes of success was never more to set foot upon Tennessee soil, nor look in the face of wife and children again.

When Davy Crockett went forth to his fight for the independence of Texas, he went to his death, as did many another gallant patriot.

It might not be out of place for me to state here some history of the family of David Crockett that I obtained from the many talks that I have had with the son, Robert Patton Crockett, and his children, the grandchildren of David Crockett. His grandchildren viz.: Mrs. M. M. Parks, Mrs. T. H. Hiner, now reside in Hood county; Mr. Ashley W. Crockett, who resides in Glen Rose, Somervell county, and a granddaughter, Miss Dolly, who is married and lives in Oklahoma. Her name I can not call at this time, and these grandchildren are like the children of Sam Houston, are modest and have never asked the State to erect a monument to their heroic ancestors, but their proud spirit they have so richly inherited will make them appreciate the erection of this monument.

David Crockett was married to Miss Elizabeth Patton in Lawrence county, Tennessee, about the year 1815. Their first child, Robert Pat-

ton Crockett, was born September 8, 1816, and he being the father of the children I have just mentioned.

Elizabeth Crockett came to Texas in 1854 with her son, Robert Patton Crockett, from Gibson county, Tennessee. They located on the David Crockett headright, a league of land patented to Elizabeth Crockett by the Republic of Texas as the surviving widow of David Crockett, which was situated between Rucker and Long Creeks in Johnson (now Hood) county. She lived with her son, Robert Patton Crockett, in his rude log cabin in Johnson county until 1860, when death claimed her. She was buried in the Acton cemetery on Walnut Creek, some five miles south of their home, and about six miles east of Granbury, and now a mound stone slab marks her resting place.

Immediately after the fall of the Alamo in 1836 and the death of his father, David Crockett, Robert Patton Crockett left his home, came to Texas and joined the revolution, remaining in the service until the Independence of Texas had been secured. He returned to Tennessee in 1841, where he was married. In 1854, as I have stated, he moved his family to Texas, bringing his mother with him, locating at the place I have just mentioned. Robert Patton Crockett died in Hood county, September 23, 1889, aged 73 year and eight days. He was also buried on the same lot of land in the Acton cemetery.

I have a plat before me showing the present location of the graves of Elizabeth Crockett, wife of David Crockett, and their son, Robert Patton Crockett, as they appear in the Acton cemetery. The graves are all in the same lot. The first on the north is Robert Patton Crockett, the middle grave is that of his wife, Matilda Crockett, while the one on the south is Elizabeth Crockett. Acton is a beautiful little village, and is one of the first settlements west of Trinity River, settled by a people of the different Southern States, and here they shared in the upbuilding of that section of our State, but the old settlers have passed over the river and left behind them the children and grandchildren who now constitute a citizenship who are proud and patriotic in their nature, and they, too, will be stimulated by their patriotism to see erected a

monument to the memory of the illustrious dead, who sleep in the Acton cemetery to await the Resurrection morn.

And, Mr. President, we know our Saviour Jesus Christ suffered and died upon Calvary's Cross for the redemption of this world. And I believe that the heroes Bowie, Travis, Crockett and others sacrificed their lives at the fall of the Alamo for the redemption and independence of the Republic of Texas. God moves in a mysterious way His wonders to perform. History will never record a nobler deed—a more daring stand—a purer self-sacrifice and devotion to the interests and liberties of their adopted country than the fight and fall of Travis, Bowie, Crockett and other gallant compatriots made. One hundred and fifty-six men under Travis were arrayed against thousands of Mexicans under Santa Anna, then President of Mexico, who so often styled himself the "Second Napoleon," and heroically did they wield the battle blade, until the last man of that glorious band was made to measure his length upon his mother earth. No bodies left to receive a Christian burial; no marble slab marks their graves. Ashes of their bodies were gathered up and buried at some spot near the walls of the Alamo, but Mr. President, look around us and see what monuments are erected to those noble martyred spirits. On yonder hill is erected the State University and in other parts of the State are schools and universities, which the educated thousands of the sons and daughters of Texas and generations yet unborn will receive blessings and advantages from such monuments and the many millian acres of land now in cultivation and the great industries of our State, generation after generation, which they will enjoy, was purchased by the blood of Crockett and those who fell by his side. And now, Mr. President, the wife of David Crockett, who cast her life with him in the trying days of Tennessee, and after his death she with her son, Robert Patton Crockett, came to Texas to continue the struggle for Texas independence, to share the privations of life for the glory of Texas, departed this life at the time and place I have just mentioned; and now Senators, in conclusion, I shall ask that this vote be unanimous, that the appropriation

be made to erect a suitable monument over the last resting place of the body of this sainted wife of the hero of the Alamo.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 150, A bill to be entitled, "An Act to amend Section 1 of an Act passed by the Regular Session of the Thirtieth Legislature relating to the selection of juries in counties with cities of certain population,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 104, A bill to be entitled "An Act designating the 12th day of October of each year as a public and legal holiday, to be known as Columbus day,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, because House bill No. 126, providing for the 12th of October as a legal holiday was reported favorably by above named Committee in the House.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 126, a bill to be entitled "An Act to amend Article 2939, of the Revised Statutes, and to provide that the 12th day of October of each year shall be a State holiday, and shall be known as Columbus day, and repealing Article 2939, and declaring an emergency,"

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 221, A bill to be entitled "An Act authorizing and directing the Governor of the State of Texas to convey to the Texas District of the German Evangelical Synod of North America about three acres of land out of original survey 25 in the name of Anselmo Galvan, about five miles south of the city of San Antonio, in Bexar county, Texas; also about nine and six-tenths acres of land out of survey 26 in the name of Wm. Small, about five miles south of the city of San Antonio, in Bexar county, Texas, said conveyance of land to be made upon condition that the grantee and its assigns shall for all times use the above described property as an asylum, institution or home for the care of widows, orphans and old people, and for the erection of schools, colleges or hospitals, and upon the further condition that this property is never to be given as security for debt and shall never be taken for a debt, and that if grantee or its assigns should fail to use said property, fee simple title thereto shall revert to the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 15,

Whereas, The Hon. William Gaynor, mayor of the greatest city on this continent, and a distinguished jurist and Democrat of world-wide fame, will pass through Austin at an early date en route to Mexico, be it

Resolved, That the House of Representatives, the Senate concurring, invite the Hon. Wm. Gaynor to deliver an address to the Legislature at such time as may be convenient to him, and that will not conflict

with the rules of the House, and that a copy of this resolution be sent to Mr. Gaynor.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 168, A bill to be entitled "An Act to establish our State Correspondence School as now endowed by Miss Cooke."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 7, A joint resolution, proposing an amendment to Article 14, Sections 2, 4, 22 and 23, to Article 5, Sections 9, 15, 20, 21, and 23; to Article 8, Sections 14 and 16; and to Article 16, Sections 30 and 44, of the Constitution of the State of Texas, providing for a four years term of office for certain State and county officers; fixing the time for the election, directing a proclamation therefor, and making an appropriation to defray the expenses of such election.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,  
Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 80, A bill to be entitled "An Act to amend Section 6d, of Chapter 20, passed by the Regular Session of the Thirtieth Legislature and approved May 16, 1907,

relating to transfers by purchasers of public free school, University and asylum lands, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Strike out all after the enacting clause and insert the following:

Section 1. One who has heretofore bought or who may hereafter buy public free school land on condition of settlement and occupancy in the counties of Andrews and Bailey, Cameron, Cochran, Crane, Dimmit, Duval, Ector, Gaines, Hidalgo, La Salle, Loving, McMullen, Midland, Starr, Terry, Upton, Winkler, Yoakum and Zavalla may sell after one year from date of award any portion of said land to another in the manner provided in Article 4218k, Revised Civil Statutes of 1896, but such assignees shall complete the residence thereon as provided in Section 6d of the land sales act of 1907, approved May 16, 1907.

Sec. 2. The fact there are numerous persons who have bought parcels of sections in the counties affected by this Act and that they must depend upon the other parties to pay the interest or suffer his parcel of land to forfeit and cannot get a patent on pieces of sections, created an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

MURRAY, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 225, A bill to be entitled "An Act conferring certain powers upon the Commissioners' Courts of the counties of this State and authorizing said courts, under such regulations as they may prescribe, to appropriate and use any sum or sums of money not exceeding one thousand dollars per year for Farmers' co-operative demonstration work in their respective counties along the same lines as this work is or may be conducted by the United

States Department of Agriculture and prescribing that they may conduct such work jointly in their respective counties with the agents and representatives of the United States Department of Agriculture upon such terms and conditions as may be agreed upon between the agents of the Department of Agriculture and the Commissioners' Court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance Statistics and History, to whom was referred

Senate bill No. 196, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas adopted by the Regular Session of the Twenty-fourth Legislature, Title 58, Chapter 1, Article 3033, providing the minimum par value of shares of stock in fire insurance companies shall not be less than ten dollars per share."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amended by adding after the word "companies" any fire insurance company heretofore organized under the laws of this State may, upon a majority vote of the stockholders, amend its charter so as to make the par value of its stock not less than ten dollars per share.

ASTIN, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 158, A bill to be entitled "An Act to amend Chapter 69 of the Twenty-eighth Legislature, approved March 27, 1903, which is an Act to amend Title 58 of the Revised Civil Statutes relating to the subject of insurance by adding thereto Chapter 5, embracing Articles 3096aa, 3096bb, 3096cc, 3096dd, 3096ee, 3096ff, providing that no in-



insurance contract shall be held void because of immaterial misrepresentations made in the application therefor or in the contract of insurance, and providing conditions upon which a defense may be made upon the ground of misrepresentation in the application or in the contract, or in proof of death or loss, and providing the time within which such matters of defense may be pleaded, and making such contracts subject to the laws of this State, and prescribing the conditions upon which foreign insurance companies shall be permitted to do business in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act creating a State School of Mines and Metallurgy for the purpose of teaching the scientific knowledge of mining and metallurgy in the State of Texas, to the end that the mineral wealth, oil, etc., may be developed upon the State school lands of this state, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

PAULUS, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 122, A bill to be entitled "An Act to provide that in all cases where loss occurs to property insured by any fire, marine or inland insurance company and such company is liable therefor, and fails to pay the same within the time specified in the policy, after demand is made therefor. Such company shall be liable to the holder of such policy, twelve per cent (12) damages on the amount of such loss and reasonable attorneys' fees for the pros-

ecution and collection of such loss, and providing an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 235, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 36 of the General Laws of the Thirty-first Legislature of the State of Texas, First Called Session thereof, as amended by Chapter 22 of the General Laws of Texas at the Second Called Session thereof, and repealing all laws and parts of laws in conflict therewith."

Have had the same under consideration, and I am instructed to report the same back with the recommendation that it do pass.

WARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 214, A bill to be entitled "An Act to amend Section 6 of Chapter 130 of the General Laws of Texas, passed at the Regular Session of the Twenty-ninth Legislature of Texas, to provide that county attorneys may contract to collect delinquent taxes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 214, A bill to be entitled "An Act to amend Section 6 of Chapter 130 of the General Laws

of Texas, passed at the Regular Session of the Twenty-ninth Legislature of Texas, to provide that county attorneys may contract to collect delinquent taxes, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass.

LATTIMORE.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 211, A bill to be entitled "An Act to amend Article 2510 of Chapter 175 of the Acts of the Regular Session of the Twenty-sixth Legislature of Texas, providing that the Game, Fish and Oyster Commissioner shall have his office in Austin, Texas, during the term of his office, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Judiciary No. 1 to whom was referred

Senate Bill No. 233, A bill to be entitled, 'An Act to regulate the presentation and collection of claims for two hundred (\$200.00) dollars or less, for personal services rendered or for labor done, or for material furnished or for over charges on freight or express, or for lost or damaged freight, or for stock killed or injured, against any person or corporation or receiver, and providing a reasonable amount of attorney's fees, not exceeding twenty (20.00) dollars, to be recovered, in suits on such claims, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 233, A bill to be entitled, "An Act to regulate the presentation and collection of claims for two hundred (\$200.00) dollars or less, for personal services rendered or labor done, or for material furnished, or for over charges on freight or express, or for lost or damage freight, or for stock killed or injured, against any person or corporation or receiver, and providing a reasonable attorney's fees, not exceeding twenty (\$20) dollars to be recovered in suits on such claims, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUME, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 89, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued, and railroad, interurban and other transportation companies."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 184, a bill to be entitled "An Act to fix the venue of suits brought by the State of Texas for the recovery of the title and possession of land, or damages thereto, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts to whom was referred

Senate bill No. 223, A bill to be entitled, "An Act fixing the salaries of the judges of the Supreme Court, Court of Criminal Appeals and the Courts of Civil Appeals in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

"Provided no extra compensation shall be allowed to any person now holding office by election or appointment or to any successor thereof until after the term of office as now fixed by law shall have expired by operation of time."

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts to whom was referred

Senate bill No. 232, A bill to be entitled "An Act to amend Article 941, as amended by the Act of April 30, 1901, of the Revised Civil Statutes of Texas, defining the original and appellate jurisdiction of the Supreme Court, and to provide for disposition of the causes now pending therein, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 9, A joint resolution "To amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier and their indigent widows, and to grant aid for the establishment and maintenance

of a home for the indigent and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and authorize a special ad valorem pension tax, and making appropriations for same."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,  
Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 33, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral bearing land including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this Act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 13, 1905, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

#### PETITIONS AND MEMORIALS.

By Senators Cofer, Ratliff, Perkins, Peeler, Ward, McNealus, Real, Carter and Terrell of Wise:

Petitions numerous signed by citizens of their respective districts asking the Legislature to disfavor House bill No. 319, which levys an occupation tax of \$375 on itinerant vendors of medicine.

By Senators Real and McNealus:

Petition numerous signed by the representatives of 17 subordinate lodges of the Order of the Sons of Herman of Texas, protesting against House bill No. 262, which seeks to

amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Terrell of McLennan: Petition numerously signed by citizens of Milam county asking support of House bill No. 262.

By Senator Paulus:

Petition numerously signed by citizens of his district asking the Legislature to amend the anti-pass law empowering the railroad commission to make a special railroad rate for volunteer firemen attending their conventions.

#### TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, Feb. 15, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon.

Prayer by Rev. D. N. McLaughlin of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

#### REGULAR ORDER.

The Chair called the regular order of business. (See appendix for committee reports and petitions and memorials.)

(President Pro Tem. Hudspeth in the chair.)

#### SIMPLE RESOLUTION.

By Senator McNealus:

Whereas, The Dallas-Galveston News management, through its staff representative, Mr. Tom Finty, Jr., has presented the officers and members of the State Senate each with a copy of its excellent Texas Almanac for the current year; therefore, be it

Resolved, That the thanks of the State Senate are due, and are hereby, extended to the Dallas-Galveston News management and to Mr. Finty, for the thoughtfulness and courtesy embodied in the favor. The Almanac is an invaluable handbook and almost indispensable to the members of the Senate as a work of reference.

McNealus, Ward, Carter, Mayfield, Warren, Lattimore, Greer, Collins, Cofer, Peeler, Perkins.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

Whereas, Hon. J. H. Traylor of Corpus Christi served with distinction in the Senate during the Eighteenth and Nineteenth Legislatures, and was afterward Mayor of the city of Dallas, is now in Austin; therefore, be it

Resolved, That he be invited to address the Senate, and that the privileges of the floor be extended to him.

TERRELL of Wise.  
M'NEALUS.

The above resolution was read and adopted.

The Chair appointed Senators Terrell of Wise, McNealus and Lattimore to escort ex-Senator Traylor to the president's stand.

Ex-Senator Traylor addressed the Senate briefly.

#### INVITATION TO ATTEND LUNCHEON.

Senator Peeler offered the following invitation:

Austin, Texas, Feb. 15, 1911.

To the Honorable Senators, Officers and Press of the State Senate: